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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,551	01/11/2002	Jarmo Saari	602.362USW1	9125
32294	7590	05/04/2005	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			RIMELL, SAMUEL G	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/044,551

Applicant(s)

SAARI ET AL.

Examiner

Sam Rimell

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-13 and 16-24 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 14, 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
PRIMARY EXAMINER

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-13 and 16-24 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Toole et al. (U.S. Patent 6,757,723).

Claim 1: O'Toole et al. discloses a database (30) containing the information of tables (2,34,26). The information is essential to the operation of a network (FIG. 3) which includes a telephone switching system (within Internet). A database manager (28) controls the database (30). The network further includes a service provider (18—the appliance 18 provides services to the LAN 14). The registration of the service provider (18) is the initial boot message sent from the service provider (18) to the database manager (FIG. 4, step 114). The inquiry is the response sent by the database manager (step 116 on left-most side of FIG. 4. Note that FIG. 4 has two reference numerals 116, the inquiry is the left most block 116). The step of storing the definitions data are the steps (120) where the service provider sends its Ethernet address, and step (226), where the appliance is sent a web page by which it can transmit its configuration data. The new definitions file is a new row of information loaded into the rows of table (2, 34, 36) that define the characteristics of the service provider.

Claim 4: As described at col. 6, line 44, the address of the database manager (“Soda.net”) is established with a Domain Name Service (DNS), which is a name service used within the Internet.

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Claim 5: In order to establish a domain name on the standard DNS service, an inquiry with that service (registration of the domain name) must inherently be performed.

Claim 6: The information sent by the service provider (18) to the database manager (18) is illustrated in the tables (34) and (36). This information includes identification data (Appliance IP) associated with each row of data sent.

Claim 7: Any of the information in tables (2, 34, 36) are readable as specification data. The Appliance IP is readable as the “fixed specification data” and the “owner”, “status” and configuration” is data that is specific to a network element (the appliance 18).

Claim 8: Data in the database passes through the database manager (28). In table (36), this information includes a reference to a file (Appliance IP information) and content of service (configuration information).

Claim 9: The database manager (30) collects information into the tables (2, 34, 26). Each one of these tables is an individual database.

Claim 10: The definitions files are the rows of the databases. These contain data and are part of a database.

Claim 11: Each completed database table (2, 34, 26) is considered to be a generated report, lacking any further detail on what the report is supposed to contain.

Claim 12: The reports (tables) are changed when rows of information are added, such as status or configuration information in tables (34) or (36).

Claim 13: See remarks for claim 1.

Claim 16: See remarks for claim 4.

Claim 17: See remarks for claim 5.

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Claim 18: See remarks for claim 6.

Claim 19: See remarks for claim 7.

Claim 20: See remarks for claim 8.

Claim 21: See remarks for claim 9.

Claim 22: See remarks for claim 10.

Claim 23: See remarks for claim 11.

Claim 24: See remarks for claim 12.

Claims 2, 3, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### Remarks

Applicant's amendments have overcome the rejections under 35 USC 112.

Applicant's arguments regarding the O'Toole reference have been considered. In particular, applicant argues that the appliance is not analogous to the claimed service provider and the appliance registry is not analogous to the claimed database manager. This argument has been considered, but it is noted that the claims do not define the structure of the "service provider" or "database manager". Accordingly, any structure that provides any form of service would be a service provider and any structure that provides any degree of management of data would be a data manager. Examiner maintains that the correlation in O'Toole between the appliance (18) and a service provider is correct since the appliance (18) services the LAN.

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Examiner maintains the correlation in O'Toole between the database manager and the appliance registry (28) is correct since the appliance registry is a manager of data.

Applicant further argues that argues that in the O'Toole reference, the appliance registry (28) does not send a message readable as an inquiry. Examiner maintains the step 116 (the step 116 at the left most side of FIG. 4) is an inquiry to the appliance (as seen in FIG. 4) because it is followed by a reply from the appliance in response to the inquiry.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4048.



Sam Rimell  
Primary Examiner  
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